Clerk of the United States Bancruptcy Court for the Southern District of New York One Bowling Green New York

Gloggnist the 28. December 2009

Bancruptcy case No: 08-1789 (BRL)

Claim No: 007181

Regarding: Opposition to the denial of Claim No. 007181

JAN - 6 2010

Dear Sir or Madam,

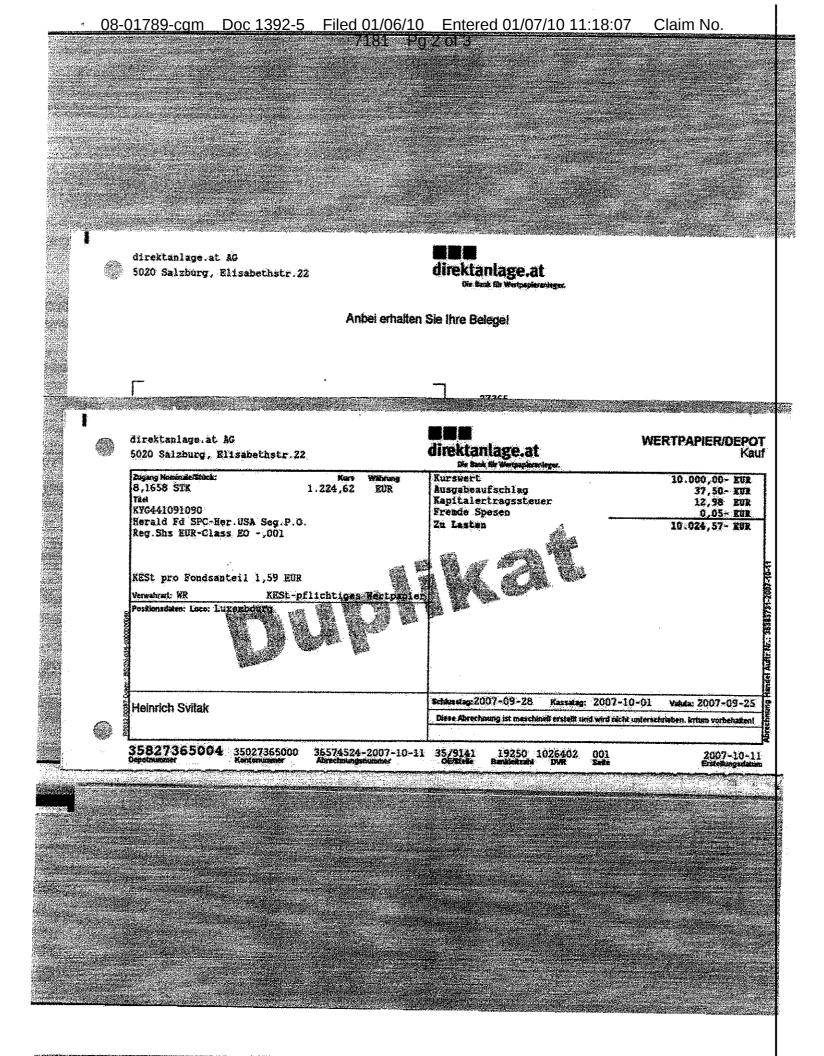
regarding the determination of the above mentioned claim by Irving H. Picard, Esq., Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, we believe that although not being mentioned in the books of Bernard L. Madoff Securities Investments LLC (BLMIS) as direct customer we should be viewed as customers.

- The investment world since the inception of SIPA changed significantly; while formerly most investments were conducted via direct management of accounts, "state of the art" nowadays are investments via investment funds. So the purpose of the Securities and Investor Protection Act should be reviewed as a whole.
- As an investor in Herald Fund SPC I should be as well protected as an direct investors please find a copy of my Herald holdings enclosed.
- In the proceedings (ADV. Pro. No: 09-1359 (BRL)) against Herald Fund SPC and HSBC Securities Services (Luxembourg) S.A. the trustee demands more than USD 578,033,847,-. This amount not only contains redemption proceedings which the <u>vast majority of shareholders of the fund never received</u> but also tax payments which were made on behalf of shareholders and funded by their equity.
- In the proceedings (ADV. Pro. No: 09-1359 (BRL)) against Herald Fund SPC and HSBC Securities Services (Luxembourg) S.A. the trustee demands more than USD 578,033,847,- . In demanding this amount also from HSBC, the trustee claims money which the feeder funds i.e. their shareholders should be entitled too.

Because of these reasons, I oppose the denial of my claim and ask you to review my claim again and grant it.

Thank you in advance - yours faithfully

Heinrich Svitak Hartholzstrasse 46 A-2640 Gloggnitz, Austria



## S N O STE PIERAUF WERTPA

ktanlage.at Die Bank für Wertpapieranleger.

hrte Kundin, sehr geehrter Kunde,

niten ihnen hiermit ein Verzeichnis der für Sie varbuchten Werte. Wern Sie binnen 6 Wochen nach Erhalt keine schriftlichen Einwendungen enteben, erklären Sie sich r Aufstellung einverstanden. Für die Ermitlung der Kurswerte werden in der Regei die zum Stichtag zuletzt verfügbaren Kurse jener Börse, an der die jeweilige anwerben wurde, herangezogen. Alle Kurse sind trotz sorgfältiger Ermitlung ohne unsere Gewähr. Ingen zu Abkürzungen finden Sie auf der Rückseite.

Herrn Heinrich Svitak C/o Lintner Vermögensverw. GmbH Rudolfsplatz 1/15 A 35

rbehalten

Diese maschineile Aufstellung wird von der Bank nicht unterschrieben.

Auszug-Nr. 1/2008 D U P L Depot-Nr.: 35827365004 Heinrich Svitak 35/9141 direktanlage.at AG

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AUFSTELLUNG per 31.12.2008

77,8 Stk AT0000495114 ESPA ALITERNATIVE MULTISTRATEGIE (15.12.2008)  296 Stk DE000A0H0751 iSh. DJ STOXX 600 Real Estate (30.12.2008)  204,06 Stk IE00B0B87X46 Benchm.Alt.IEquity Opportun. (30.09.2008)  28,6395 Stk KYG441091090 Herald Ed SPC-Her.USA Seq.P.O. (30.11.2008)  28,6395 Stk KYG5807G1762 Man RMF I.SEvent Dr.Str. EUR (31.10.2008)  18.530 Stk KYG5807G1762 Man RMF I.SEvent Dr.Str. EUR (31.10.2008)  Loco: Pfaifikon Lo	Menge papier santeile	Kenn-Nr.	Titel	Kurs	Kurswert EUR
DECOURACHO751 iSh. DJ STOKK 600 Real Estate  WR Inhaber-Anteile Loco: München  IEOUBOB87X46 Benchm.Alt.IEquity Opportun.  Registered Shares Cl. Bo.N. Loco: Luxembourg  KYG441091090 Herald Fd SPC-Her.USA Seg.P.O.  KYG481091090 Herald Fd SPC-Her.USA Seg.P.O.  KYG5807G1762 Man RMF I.SEvent Dr.Str. EUR Reg. Ptg. Shares H2 o.N. Loco: Pfäffikon  (30.12.2068)  (30.12.2068)  (30.12.2068)  1.328,74  (30.11.2068)  Loco: Luxembourg  KYG5807G1762 Man RMF I.SEvent Dr.Str. EUR Reg. Ptg. Shares H2 o.N.	77,8 Stk	AT0000495114 WR	ESPA ALTERNATIVE MULTISTRATEGIE MITEIGENTUMSANTEILE - THESAURIEREND Loco: Wien	95,13 (15.12.2008)	7.401,11
IE00B0B87X46   Benchm.Alt.IEquity Opportun.   102,33   Registered Shares Cl. B o.N.   (30.09.2008)   Loco: Luxembourg   KYG441091090   Herald Fd SPC-Her.USA Seg. P.O.   (30.11.2008)   Loco: Luxembourg   Loco: Luxembourg   KYG5807G1762   Man RMF I.SEvent Dr.Str. EUR   (31.10.2008)   Loco: Pfäffikon   Loco: Pfäff	296 Stk	DE000A0H0751 WR	iSh. DJ STOXX 600 Real Estate Inhaber-Anteile Loco: München	8,48 (30.12.2008)	2.510,08
KYG441091090       Herald Fd SPC-Her.USA Seg. P.O.       1.328,74         WR       Reg. Shs EUR-Class EO -,001       (30.11.2068)         Loco: Luxembourg       Loco: Luxembourg         KYG5807G1762       Man RMF I.SEvent Dr. Str. EUR       0,8187         Reg. Ptg. Shares H2 o.N.       (31.10.2008)         Loco: Pfäffikon	204,06 Stk	IE00B0B87X46 WR	Benchm.Alt.IEquity Opportun. Registered Shares Cl. B o.N. Loco: Luxembourg	102,33 (30.09.2008)	20.881,46
KYG5807G1762 Man RMF I.SEvent Dr.Str. EUR 0,8187 WR Reg. Ptg. Shares H2 o.N. (31.10.2008) Loco: Pfäffikon	28,6395 Stk	KYG441091090 WR	Herald Fd SPC-Her.USA Seg.F.O. Reg.Shs EUR-Class EO -,001 Loco: Luxembourg	(30.11.2008)	38.054,45
	18.530 Stk	KYG5807G1762 WR	Man RMF I.SEvent Dr.Str. EUR Reg. Ptg. Shares H2 o.N. Loco: Pfäffikon	(31.10.2008)	15.170,51

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